

### REMARKS

This application has been reviewed in light of the Office Action dated December 1, 2003. Claims 1, 2, 4, 6, 8-10, 12, 13, 15, 17, 19-21, 34, and 45-49 are presented for examination, of which Claims 1, 9, 12, 20, 34, 45, 47, and 49 are in independent form. Claims 5, 16, and 42 have been canceled, without prejudice or disclaimer of subject matter, and will not be mentioned further. Claims 1, 2, 4, 6, 8-10, 12, 13, 15, 17, 19-21, 34, 45, and 46 have been amended to define more clearly what Applicant regards as his invention. Claim 49 has been added to provide Applicant with a more complete scope of protection. Favorable reconsideration is requested.

Claims 2 and 13 were objected to because of the informalities noted in paragraphs 2 and 3 of the Office Action.

Claims 2 and 13 have been amended, among other things, to include a comma (,) after the word "wherein". Accordingly, the objection noted in paragraph 2 of the Office Action has been obviated.

As to the Examiner's inquiry regarding the double brackets around the word "if" in Claim 13, Applicant notes that under the Revised Amendment Practice, deletion of five or fewer consecutive characters may be shown by double brackets [[ ]]. Accordingly,

in Claim 13 of the September 5, 2003 Amendment After Final Action, Applicant was deleting the word "if".

Claims 1, 6, 8, 12, 17, 19, 34, and 47<sup>1</sup> were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1, 6, 8, 12, 17, 19, 34, 45, and 46 have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, first paragraph, with special attention to the points raised in paragraph 4 of the Office Action. Specifically, these claims have been amended to replace the term "special attribute" with --predetermined value--. Support for term "predetermined value" may be found at least in Figure 10, step S1003, and Figure 14, step S1403. It is believed that the rejection under Section 112, first paragraph, has been obviated.

Claims 1, 2, 4, 12, 13, 15, 17, 34, 47, and 48 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,189,102 (*Beser*), Claims 45 and 46 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,266,726 (*Nixon et al.*), and Claims 6, 8-10, 17, and 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Beser*, in view of U.S. Patent No. 5,850,388 (*Anderson et al.*).

As shown above, Applicant has amended independent Claims 1, 9, 12, 20, 34, 45, and 47 in terms that more clearly define the present invention. Applicant submits that these amended independent claims and new independent Claims 49, together with the

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<sup>1</sup>/Applicant notes that Claim 47 does not contain the term "special attribute", although Claims 45 and 46 do use that term.

remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The present invention is directed to a network device control apparatus connected to a network. In conventional systems, as explained in detail in the specification, there are various methods of setting an address of a network apparatus. One such method is a ping program which is extremely general and has the drawback of possibly setting an erroneous address. The present invention addresses the problems discussed in the specification by setting an address using a general program, avoiding an erroneous setup of the address.

The aspect of the present invention set forth in Claim 1 is a network apparatus that includes a receiving unit adapted to receive data from a network by using a predetermined protocol, and a detecting unit adapted to detect a predetermined value in a packet header of the data received by the receiving unit, the packet header being provided for the predetermined protocol. The apparatus also include a setting unit adapted to set a destination logic address of the received data as a logic address of the network apparatus in a case where the predetermined value is detected by the detecting unit and a destination physical address of the received data and a physical address of the network apparatus are the same.

A notable feature of Claim 1 is that the destination logic address of the received data is set as the logic address of the network apparatus in a case where the predetermined value is detected by the detecting unit and a destination physical address of the received data and a physical address of the network apparatus are the same. By virtue of this feature, it is possible to prevent the situation where the logic address of the network

apparatus may be set unintentionally when the network apparatus receives one type of data for setting the logical address and another type of data for other purposes, and the logic address is set in response to the latter type of received data.

*Beser* relates to a method for authenticating network devices in a data-over-cable system. Figure 6 of *Beser* depicts a block diagram illustrating a Dynamic Host Configuration Protocol (DHCP) 66 message structure 108. The DHCP 66 message structure 108 includes, among other things, a client IP address field 124 (CIADDR), a your IP address field 126 (YIADDR), a server IP address field 128 (SIADDR), and a client hardware address field 132 (CHADDR). However, the DHCP 66 message structure does not indicate a destination address of the DHCP message. This is because the DHCP message is not transferred in accordance with the data in CIADDR, YIADDR, SIADDR, or CHADDR, and because the DHCP is located a layer higher than those of the Internet Control Message Protocol (ICMP) layer 56 and the Internet Protocol (IP) layer 54, as depicted in Figure 2. Accordingly, nothing has been found in *Beser* that would teach or suggest setting the destination logic address of the received data as the logic address of the network apparatus in a case where the predetermined value is detected by the detecting unit and a destination physical address of the received data and a physical address of the network apparatus are the same, as recited in Claim 1.

Accordingly, Applicant submits that Claim 1 is clearly allowable over *Beser*.

Independent Claims 12 and 34 are method and network device control program claims, respectively, corresponding to apparatus Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

Additionally, independent Claims 47 and 49 include a feature substantially similar as that discussed above in connection with Claim 1. Accordingly, Claims 47 and 49 are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

The aspect of the present invention set forth in Claim 9 is a network apparatus. The apparatus includes a receiving unit adapted for receiving an ICMP echo message, a data length detecting unit adapted for detecting a data length in a packet header of the ICMP echo message received by the receiving unit, and a setting unit adapted for setting a destination IP address of the received ICMP echo message as an IP address of the network apparatus if the data length has a specific value and a destination MAC address of the received ICMP echo message and a MAC address of the apparatus are the same.

One important feature of Claim 9 is the network apparatus setting a destination IP address of the received ICMP echo message as an IP address of the network apparatus if the data length has a specific value and a destination MAC address of the received ICMP echo message and a MAC address of the apparatus are the same.

As discussed above, in connection with Claim 1, the *Beser* method does not set the destination logic address of the received data as the logic address of the network apparatus in a case where the predetermined value is detected by the detecting unit and a destination physical address of the received data and a physical address of the network apparatus are the same. For reasons substantially similar to those discussed above in connection with Claim 1, nothing has been found in *Beser* that would teach or suggest setting a destination IP address of the received ICMP echo message as an IP address of the network apparatus if the data length has a specific value and a destination MAC address of

the received ICMP echo message and a MAC address of the apparatus are the same, as recited in Claim 9.

Accordingly, Applicant submits that Claim 9 is clearly allowable over *Beser*, taken alone.

*Anderson et al.* relates to protocol analyzers for monitoring and analyzing digital transmission networks. *Anderson et al.* is cited for allegedly teaching that the received data is an ICMP echo message by an ICMP protocol and the special attribute is a data length of the ICMP echo message. However, nothing has been found in *Anderson et al.* that would teach or suggest setting a destination IP address of the received ICMP echo message as an IP address of the network apparatus if the data length has a specific value and a destination MAC address of the received ICMP echo message and a MAC address of the apparatus are the same, as recited in Claim 9.

Therefore, even if *Beser* and *Anderson et al.* were to be combined in the manner proposed in the Office Action, assuming such combination would even be permissible, the resulting combination also would fail to teach or suggest at least those features of Claim 9.

Accordingly, Applicant submits that Claim 9 is patentable over *Beser* and *Anderson et al.*, whether considered separately or in any proper combination.

Independent Claim 20 is a method claim corresponding to apparatus Claim 9, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 9.

The aspect of the present invention set forth in new independent Claim 45 is a network apparatus that includes a receiving unit adapted to receive data from a network

by using a predetermined protocol, a detecting unit adapted to detect a predetermined value in a packet header of the data received by the receiving unit, the packet header being provided for the predetermined protocol, and a setting unit adapted to set a factory-based value in a case where the predetermined value is detected by the detecting unit and a destination physical address of the received data and a physical address of the network apparatus are the same.

One important feature of claim 45 is the network apparatus setting a factory-based value in a case where the predetermined value is detected by the detecting unit and a destination physical address of the received data and a physical address of the network apparatus are the same. By virtue of this feature, it is possible to prevent the situation where the factory-based value may be set unintentionally when a network apparatus receives one type of data for setting the factory-based value and another type of data for other purposes, and the factory-based value is set in response to the latter type of received data.

*Nixon et al.* relates to a process control system for controlling a plurality of devices of multiple different types using a standard control protocol. Nothing has been found in *Nixon et al.* that would teach or suggest a network apparatus setting a factory-based value in a case where the predetermined value is detected by the detecting unit and a destination physical address of the received data and a physical address of the network apparatus are the same, as recited in Claim 45.

Accordingly, Applicant submits that Claim 45 is clearly allowable over *Nixon et al.*

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

  
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